

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS**

**DOMINIK ZOLKOS, DZIANIS KLIAVETS,  
JAMES MCCOY, JOE WALLACE, LIONEL  
JONES, MICHAEL KARP, KAROLYN  
UNDERWOOD, RONITA FOY, JERRY  
ANDERSON, MADI VANESSA SUTTON,  
NORMAN MORSE, JOHN ROBERTSON,  
ANTHONY GRAY, JOSEPH FENICO, ALIX  
PETITHOMME, and WENDY DOBBINS, on  
behalf of themselves and all others similarly  
situated,**

**Plaintiffs,**

**-against-**

**SCRIPTFLEET, INC., f/k/a NETWORK  
EXPRESS, PARTSFLEET, INC., PARTSFLEET II,  
INC., FLEETGISTICS HOLDINGS, INC., and  
MEDIFLEET, INC.,**

**Defendants.**

No. 12 Civ. 8230 (GF)

Hon. Gary Feinerman

**PLAINTIFFS' UNCONTESTED  
MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT,  
CONDITIONAL CERTIFICATION OF THE SETTLEMENT CLASS,  
APPOINTMENT OF PLAINTIFFS' COUNSEL AS CLASS COUNSEL,  
APPROVAL OF PLAINTIFFS' PROPOSED NOTICES OF SETTLEMENT, AND  
LEAVE TO FILE A THIRD AMENDED COMPLAINT**

For the reasons set forth in the Memorandum of Law in Support of Plaintiffs' Motion for Preliminary Approval of Class Action Settlement, Conditional Certification of the Settlement Class, Appointment of Plaintiffs' Counsel as Class Counsel, Approval of Plaintiffs' Proposed Notices of Settlement, and Leave to File a Third Amended Complaint ("Motion for Preliminary Approval"), the Declaration of Justin M. Swartz in Support of Plaintiffs' Motion for Preliminary Approval ("Swartz Declaration"), the Declaration of Gregg I. Shavitz in Support of Plaintiffs'

Motion for Preliminary Approval, the Declaration of Michael D. Palmer in Support of Plaintiffs' Motion for Preliminary Approval, and the Declaration of Jennifer L. Liu in Support of Plaintiffs' Motion for Preliminary Approval, Plaintiffs respectfully request that the Court enter an Order:

- (1) granting preliminary approval of the Joint Stipulation of Settlement and Release ("Settlement Agreement"), attached as Exhibit A to the Swartz Declaration;
- (2) conditionally certifying the following settlement class under Fed. R. Civ. P. 23(a) and (b)(3) for purposes of effectuating the settlement:

All current and former Couriers who performed services for Defendants for at least fifteen (15) weeks (including at least one week in which Defendants' records indicate that the Courier worked for at least approximately thirty (30) hours, and not including weeks covered by claims previously released in other lawsuits) in:

- a. the States of New York and New Jersey during the period from October 12, 2006 through August 1, 2014;
- b. the State of Kentucky during the period from October 12, 2007 through August 1, 2014;
- c. the States of Illinois, Pennsylvania, Maryland and Massachusetts (excluding services performed for Medifleet in Massachusetts) during the period from October 12, 2009 through August 1, 2014; and
- d. the States of Connecticut, North Carolina and Ohio during the period from October 12, 2010 through August 1, 2014.

- (3) appointing Outten & Golden LLP, the Shavitz Law Group, P.A., and Sanford Heisler, LLP as Class Counsel;

- (4) approving the proposed Notice of Proposed Settlement of Class Action Lawsuit and Fairness Hearing, Claim Form and Exclusion Request Form ("Rule 23 Notice") attached as Exhibit B to the Swartz Declaration; the proposed Notice of Proposed Settlement of Collective Action Lawsuit and Fairness Hearing and Claim Form, ("FLSA Notice") attached as Exhibit C to

the Swartz Declaration; and the Proposed Reminder Notice, attached as Exhibit E to the Swartz Declaration, and directing their distribution;

- (5) approving the Parties' proposed schedule for final settlement approval;
- (6) granting Plaintiffs leave to file the Third Amended Complaint, attached as Exhibit D to the Swartz Declaration; and
- (7) granting such other, further, or different relief as the Court deems just and proper.

\* \* \*

Plaintiffs have contemporaneously submitted a Proposed Order, attached hereto as **Exhibit A**, for the Court's convenience.

Respectfully submitted,

Dated: December 2, 2014  
New York, New York

/s/ Justin M. Swartz  
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*and*

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*Attorneys for Plaintiffs and the Putative Class and  
Collective*